

United States District Court
District of Massachusetts

HAROLD KOLTIN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	14-13749-NMG
CITY OF FALL RIVER, et al.,)	
)	
Defendants.)	
)	

ORDER

GORTON, J.

Upon careful consideration of the "partial objection" of defendants Bristol Elder Services, Inc., Nicole Cheney, Lisa Kurowski and Nancy Munson (Docket No. 57) to the Report and Recommendation of Magistrate Judge Marianne B. Bowler ("the R&R") entered on September 1, 2015 (Docket No. 56), the Court rejects the determination of the Magistrate Judge that plaintiff has stated a plausible claim to relief with respect to:

- 1) Count 10 as against Bristol Elder Services, Inc., Nicole Cheney and Lisa Kurowski because those defendants had implied consent to enter Edith Koltin's property in order to knock on her door and thus did not commit trespass;
- 2) Count 16 as against Bristol Elder Services, Inc., Nicole Cheney and Lisa Kurowski because an invasion of

privacy claim does not survive the death of Edith Koltin, the injured party; and

- 3) Count 11 as against Bristol Elder Services, Inc. and Nancy Munson because plaintiff has not stated valid claims in Counts 10 and 16 upon which supervisory liability can attach.

Accordingly, the R&R is, with respect to the conclusion of the Magistrate Judge that Counts 10, 11 and 16 as against Bristol Elder Services, Inc., Nicole Cheney, Lisa Kurowski and Nancy Munson survive dismissal, REJECTED, but is otherwise ACCEPTED and ADOPTED.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated September 30, 2015